

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THOMAS D. HARRIS,

Plaintiff,

v.

ORDER

15-cv-397-wmc

BRIAN SCHALLER, GREG HEITZKEY,
CHRIS STEVENS, BRIAN VANLOO,
CHAD FRAPPIER, STEPHANIE SEQUIN,
MARILYN VANTERKINTER, WARDEN
WILLIAM POLLARD, MICHAEL DELVAUX,
WILLIAM SWIEKATOWSKI, TODD KAZIK,
STEVE SCHILLER, ALAN DEGROOT and
MICHAEL RHOADES,

Defendants.

Plaintiff Thomas D. Harris is proceeding *in forma pauperis* in this lawsuit on claims against numerous defendants. In its August 23, 2017, order, this court explained to plaintiff that one of the defendants, Stephanie Sequin, was deceased and informed him that, his deadline to file a motion for substitution of the proper party for Ms. Sequin was November 20, 2017. (Dkt. # 11 (citing Fed. R. Civ. P. 25(a)(1).) On September 28, 2017, Harris filed a motion for substitution, seeking to substitute “defendant Stephanie Sequin as a defendant,” but without providing the identity of this proposed substitute party. (Dkt. #13.)

While Harris’s submission is not complete, the court will construe it as a motion to proceed against the Estate of Stephanie Sequin. Publicly available records indicate that Ms. Sequin died on January 13, 2009, and shortly thereafter a probate matter for the Estate of Stephanie Sequin was opened. *See In the Estate of Stephanie L. Sequin*, Case No. 2009PR00012 (Brown Cty Jan. 20, 2009). Those records show that the personal representative of her estate

is Barbara Sequin, and that on January 7, 2010, the estate was closed and the case was disposed. (*Id.*) Still, it is not yet apparent that Harris's claim against the Estate of Stephanie Sequin is extinguished or would be fruitless. Accordingly, the court will grant plaintiff's motion and order service on the Estate of Stephanie L. Sequin by her personal representative.

ORDER

IT IS ORDERED that:

1. Plaintiff Thomas Harris's Motion for Substitution (dkt. #13) is GRANTED.
2. The U.S. Marshal Service is DIRECTED to effect service on the Estate of Stephanie Sequin by her personal representative, Barbara Sequin.

Entered this 8th day of November, 2017.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge